

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**Federal National Mortgage Association**

**Plaintiff**

**vs.**

**Melissa J. Schultz-Nielsen a/k/a Melissa J.  
Andrews a/k/a Melissa J. Freeman and  
Lars E Schultz-Nielsen**

**Defendants**

**HSBC Mortgage Services  
Citibank South Dakota, NA  
Capital One Bank USA NA  
Lars E Schultz-Nielsen**

**Party-In-Interest**

**CIVIL ACTION NO: 1:22-cv-00361-NT**

**RESPONSE TO DEFENDANT'S  
MOTION OBJECTING TO USE OF  
REQUEST FOR ADMISSIONS AT TRIAL**

**RE: VACANT REAL PROPERTY  
14 Middle Street, Randolph, ME 04346**

**Mortgage:  
September 20, 2001  
Book 6638, Page 183**

NOW COMES Plaintiff, Federal National Mortgage Association, and hereby submits its response to Defendant's Motion Objecting to Use of Requests for Admissions at Trial filed on April 1, 2024, [ECF No. 37]. In support of its Objection Plaintiff states the following:

**I.     Introduction**

Plaintiff asks that the Motion be denied because the Defendant had ample time to respond or request additional time to respond. Alternatively, although her time to answer is outside the Court's Scheduling Order to complete discovery, based on the foregoing, it is respectfully requested that the Court allow the Defendant 20 days to respond to the Requests for Admission from the April 10, 2024, date receipt was confirmed, not exclude them entirely.

**II.    Factual Background**

1. The Scheduling Order in this matter was issued July 19, 2023. [ECF No. 20] *Id.*, ¶ 2.
2. The Deadline to complete discovery was December 6, 2023. *Id.*, ¶ 3.

3. The Plaintiff sent its 1<sup>st</sup> Request for Admissions to the Defendant on October 3, 2023, via regular mail addressed to the Defendant at the property address. *Id.*, ¶ 4.
4. The Undersigned attorney for Plaintiff filed a final pre-trial memo on January 30, 2024, which listed Plaintiff's Request for Admissions served on the Defendant as a Trial Exhibit. [ECF No. 31] *Id.*, ¶ 5.
5. On February 7, 2024, a final pre-trial conference was held via zoom video conference wherein counsel for Plaintiff and Defendant Melissa J. Schultz-Nielsen a/k/a Melissa J. Andrews a/k/a Melissa J. Freeman appeared. *Id.*, ¶ 6.
6. At that time defendant did not raise any issues or objections to Plaintiffs proposed trial exhibits. *Id.*, ¶ 7.
7. At the pretrial conference Plaintiff requested the trial be continued for the April 2024 trial list, and the Defendant consented. [ECF No. 33] *Id.*, ¶ 8.
8. On February 8, 2024, the Court put this trial on the Trial list for April 2, 2024. [ECF No. 34] *Id.*, ¶ 9.
9. The Court scheduled a second pretrial conference for March 6, 2024. [ECF No. 34] *Id.*, ¶ 10.
10. On February 28, 2024, the undersigned counsel for Plaintiff filed a supplemental pretrial memo at [ECF No. 35]. *Id.*, ¶ 11.
11. Again, in its Pre-Trial Memo, Plaintiff listed the Defendant's Requests for Admissions to Defendant as a proposed trial exhibit. *Id.*, ¶ 12.
12. On March 6, 2024, a pretrial conference was held and Attorney Doonan appeared for the Plaintiff and Defendant Melissa J. Schultz-Nielsen a/k/a Melissa J. Andrews a/k/a Melissa J. Freeman appeared. [ECF No. 36] *Id.*, ¶ 13.
13. At no time did Defendant raise any issue with the proposed exhibits. *Id.*, ¶ 14.
14. On April 1, 2024, Defendant filed Motion Objecting to Use of Requests for Admissions at

Trial. [ECF No. 37] *Id.*, ¶ 15.

### **III. Argument in Opposition**

Although Defendant had ample opportunity to review the original pre-trial memo filed by Plaintiff on January 30, 2024, and the supplemental pre-trial memo filed by Plaintiff on February 28, 2024, both of which included the Request for Admissions to Defendant previously served as a proposed trial exhibit, she never raised concerns or objected to the proposed trial exhibits at the pre-trial conferences held on February 7, 2024, or at the pre-trial conference held on March 6, 2024. Out of an abundance of caution, after receiving her motion, the undersigned re-sent Defendant, the Requests for Admission again on April 2, 2024 via regular and certified mail.

**WHEREFORE** and based on the foregoing, the Plaintiff asks that the Motion be denied. Alternatively, although the time to answer is outside the Court's scheduled order to complete discovery, if the Motion is not denied based on the foregoing, it is respectfully requested that the Court allow the Defendant 20 days to respond to the Requests for Admission from the April 10, 2024, dated receipt was confirmed. (Tracking information for the certified mail indicates that the defendant picked the mail on April 10, 2024, at post office at Gardiner Maine.)

Dated: April 19, 2024

/s/Reneau J. Longoria, Esq.  
Reneau J. Longoria, Esq. Bar No. 005746  
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## **CERTIFICATE OF SERVICE**

I, Reneau J. Longoria, Esq. hereby certify that on this 19<sup>th</sup> day of April, 2024, I served a copy of the above document by electronic notification using the CM/ECF system and/or First Class Mail to the following:

/s/Reneau J. Longoria, Esq.  
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